

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FILED BY *[Signature]* JUN 1 2005

JOHN ROEBUCK & ASSOCIATES,)	Robert R. Di Trolo CLERK U.S. DIST CT W.D. OF TN. MEMPHIS
Plaintiffs,)	Case No. 04-3042-DP
vs.)	
JEFF B. ROBERTS, et al,)	ROBERT R. DI TROLO CLERK U.S. DIST CT W.D. OF TN. MEMPHIS
Defendants.)	

**AGREED MOTION TO STAY THE COURT'S RULINGS ON THE VARIOUS
MOTIONS TO DISMISS PENDING MEDIATION**

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FILED BY *[Signature]* JUN 1 2005

Defendants Mark L. Smith (“Smith”) and First Missouri National Bank (“First Missouri”) hereby move the Court for an order to stay its rulings on the various motions to dismiss filed in this litigation until after the mediation scheduled for June 8, 2005. In support, Defendants Smith and First Missouri state as follows;

1. Plaintiff John Roebuck & Associates (“Plaintiff”) filed its Complaint in this Court on December 23, 2004.
2. On February 17, 2005, Defendant N. William Phillips filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b) on inter alia, grounds of lack of in personam jurisdiction.
3. On February 18, 2005, Defendants Jeff Roberts, Dusty Baker, and Larry Baker filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b) on inter alia, grounds of lack of in personam jurisdiction.

MOTION GRANTED

DATE: *May 23 2005*

Bernice Bouie Donald
**BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE**

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4. On February 21, 2005, Defendants Smith and First Missouri filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b) on inter alia, grounds of lack of in personam jurisdiction.

5. The Court's Pre-Trial Order directed the parties to mediate and the parties agreed upon Richard Sher, Esquire of the St. Louis, Missouri Bar as a mediator. On June 8, 2005, the parties will participate in a mediation in an attempt to resolve this dispute.

6. The parties believe that successful mediation prospects will be enhanced if the Court stays temporarily, further action on the pending Motions to Dismiss. Accordingly, Defendants Smith and First Missouri respectfully request that the Court stay its rulings and further action by the parties on the pending Motions to Dismiss until after the mediation is concluded. Thereafter, the parties will promptly notify the Court of the outcome of the mediation and whether rulings on the pending motions will be necessary.

7. All counsel for record have been consulted and agree to the requested relief.

Respectfully submitted,

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Bank and Mark L. Smith

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion and Order were mailed, postage prepaid, to the following on the 20 day of May, 2005 to:

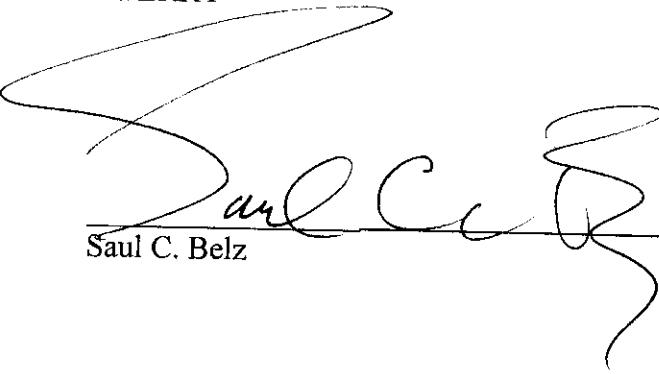
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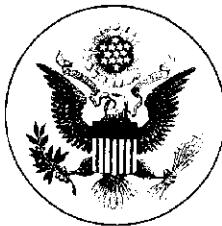
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Notice of Distribution

This notice confirms a copy of the document docketed as number 57 in case 2:04-CV-03042 was distributed by fax, mail, or direct printing on May 25, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT